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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,621	03/26/2007	Hans Beer	2003P01722WOUS	5952

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BSH HOME APPLIANCES CORPORATION
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EXAMINER

CHAUDHRY, SAEED T

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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01/25/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary	Application No. 10/583,621	Applicant(s) BEER ET AL.	
	Examiner Saeed T. Chaudhry	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/20/06</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Applicant's preliminary amendments and remarks filed June 20, 2006 have been acknowledged by the examiner and entered. Claims 1-12 have been canceled and claims 13-24 are pending in this application for consideration.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which papers have been placed of record in the file.

The Specification

The disclosure is objected to because of the following informalities:

The specification is missing with "Brief Description of Drawings" and "Detail description" headings. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 13-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13, recite a limitation, "e.g." in line 9 renders the claim indefinite since the resulting claim does not clearly set forth the means and bounds of the patent protection desired.

Claim 13 recites limitations "the partial", at line 4, "the pressure", at line 6 "the filter" in line 10 and "the remainder" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recite limitations "the speed" and "the capacity" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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Claims 16-21 and 23 recite limitation, “especially”. It is not clear that this step is only for pre-rinse or for all of the step. Therefore, render the claim indefinite.

Claim 19 recites a limitation "the relevant part" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites limitations “the partial”, at line 4, “the pressure”, at line 6, “the circulating” at line 7, "the filter" in line 10 and “the remainder” in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 13-15, 18-19, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Eiermann et al.

Wyman (GB-2221384) discloses a method and apparatus for operating a dishwasher having a pre-wash cycle, a wash cycle, a rinse cycle and a dry cycle, wherein speed of the re-circulating pump is varied. The speed of the re-circulating pump convey the liquid to at least one spray device in order to remove food residue and inherently vary the pressure of liquid by

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varying the speed of the pump. The quantity of the liquid spray would change with the change of the speed of the pump. After each and every rinse cycle, wash cycle and rinse cycle used liquid is discharged with emptying pump and sump is refilled with water. Wyman also, disclose means to control the sequence of operation of all the elements of the dishwasher and means for periodically varying the strength of the jets. (see page 4, line 2 to page 5, line 34 and claims). The reference fails to disclose an intermediate rinse cycle, 30-60%, 50-100% and then 30-60% capacity of the pump.

Eiermann et al. (2002/0108639) disclose a method and apparatus for operating a dishwasher. A conventional complete dishwashing program runs in partial steps--namely, as is usual, in five partial program steps. These steps include the partial program step pre-wash, the partial program step "clean", the partial program step "intermediate rinse", the partial program step "final rinse", and the partial program step dry (see [0018]).

It would have been obvious at the time applicant invented the claimed process to incorporate the intermediate rinse cycle as disclosed by Eiermann et al. into the process and apparatus of Wyman for the purpose of increasing the rinsing effect for removal of the detergent solution from the objects. Further, it is conventional in the art as disclosed by Eiermann et al. to have multiple rinse cycles in the washing process.

Wyman discloses to start the pump speed at 2000 to 2100 rpm and then after some time change the speed to 2700 rpm. One of ordinary skill in the art would have operated the pump at 30-60%, 50-100 and then 30-60% capacity of the pump with routine experimentation for the purpose of increase cleaning effect, since these limitations do not provide any specific advantage over the of Wyman disclosed limitation.

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Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Eiermann et al. as applied to claim 13 above, and further in view of Edwards et al.

Wyman and Eiermann et al. were discussed supra. However, the references fail to disclose a step of intermittently operate the circulation pump.

Edwards et al. (5,849,101) disclose a method and apparatus for operating a dishwasher. Wherein the wash switch 44 is open and the wash interval switch 50 controlled so that the pump 22 operates intermittently during "on-times" in each of the main wash, first rinse, and second rinse cycles (see col. 6, lines 8-11)

It would have been obvious at the time applicant invented the claimed process to incorporate the cited steps of intermittently operating circulation pump as disclosed by Edwards et al. into the process of Wyman for the purpose of efficient cleaning the objects in the dishwasher. One of ordinary skill in the art would have operate circulation pump during the water is admitted into the dishwasher and find the better operating time for the pump by routine experimentation, since Edwards et al. disclose to operate during the main cycles.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Eiermann et al. as applied to claim 13 above, and further in view of DE-2441361.

Wyman and Eiermann et al. were discussed supra. However, the references fail to disclose a step of introducing part of the total washing liquid in the pre-wash and clear rinse cycle.

DE-2441361 discloses a method of operating a dishwasher, wherein a part of liquid of total volume of liquid is introduced into the dishwasher during the cycle (see abstract).

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It would have been obvious at the time applicant invented the claimed process to incorporate the cited steps using part of the total volume of the liquid as disclosed by DE-2441361 into the process of Wyman to save the cleaning liquid and to reduce the cost of the liquid and energy.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Eiermann et al. as applied to claim 13 above, and further in view of Sakata.

Wyman and Eiermann et al. were discussed supra. However, the references fail to disclose a step of intermittently operate the drainage pump.

Sakata (5,355,900) discloses a method and apparatus for operating a dishwasher. Wherein the drain pump 36 is actuated intermittently to drain the water from the dishwasher 10 (see col. 4, lines 18-20).

It would have been obvious at the time applicant invented the claimed process to incorporate the cited steps of intermittently operate drainage pump as disclosed by Sakata into the process of Wyman for the purpose of efficiently removing the used liquid from the dishwasher.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Eiermann et al. as applied to claim 13 above, and further in view of Edwards et al. and Sakata.

Wyman and Eiermann et al. were discussed supra. However, the references fail to disclose a step of intermittently operate the drainage pump and circulating pump.

Edwards et al. and Sakata were discussed supra.

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It would have been obvious at the time applicant invented the claimed process to alternately use circulation pump and a drainage pump since Edwards et al. and Sakata disclose to use circulation pump intermittently and Sakata disclose to drain pump intermittently. One of ordinary skill in the art would have use pumps alternately for the purpose of removing the total liquid from the dishwasher.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.

When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Saeed T. Chaudhry

Patent Examiner

/Michael Barr/

Supervisory Patent Examiner, Art Unit 1792